IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3086 of 2002

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNION OF INDIA & 1 - Petitioner(s)
Versus
RAMNATH DEV - Respondent(s)

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Appearance :
MR KETAN DAVE for Petitioner(s) : 1 - 2.
RULE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 25/09/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

The petitioners – Union of India and General Manager, Tele-communication Department have challenged, in this petition, the impugned common Judgment and order

dated 13.9.2001 passed by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad (for short “the Tribunal) in OA NO. 480/97.

By its impugned common Judgment and Order dated 13.9.2001 the learned Tribunal disposed of two Original Application No.472 and 480 of 1997 and directed the present petitioners to consider the entitlement of temporary status of the respondent – original applicant keeping in view the fact that he was engaged initially from 1.10.1989 by applying the principles laid down by the Tribunal earlier and accordingly advanced the date of temporary status to the original Applicant and also considered his case for regularization from the relevant date in light of advancement of the date of temporary status.

The above order passed by the learned Tribunal was stayed by this Court while admitting this petition. Though duly served, no one appears for the respondent, therefore, this petition is finally disposed of after hearing the learned Counsel Shri Dave for the petitioners.

At the out-set it may be stated that the original applicant – present respondent has been regularized with effect from 25.6.1993 by order dated 19.12.1994, as stated at the Bar by learned Counsel Shri Dave for the petitioners. Therefore, only question remained to be decided in this case is whether the petitioner should be conferred temporary status with effect from 1.10.1989 or not? Shri Dave was more worried about the financial implication if the order passed by the learned tribunal was confirmed. Directions have been issued by the learned Tribunal while disposing of both the Applications by its common order and the present petitioners have been directed to consider the case of the original Applicant –

present respondent of his entitlement of temporary status with effect from 1.10.1989. The Tribunal has not passed any further direction in the matter. Having regard to the facts and circumstances of the case, we are of the considered opinion that the petitioner should comply with the impugned order passed by the learned Tribunal by giving notional benefit to the original applicant – present respondents by conferring the temporary status with effect from 1.10.1989, instead of 25.6.1993 as we are of the considered opinion that while passing the impugned order the learned Tribunal has not committed any error either on facts or on law, much less the jurisdictional error. Therefore, in our limited under Article 227 of the Constitution we would not like to interfere with such order in the matter.

In view of the above, this petition is dismissed subject to the aforesaid observation. Rule discharged. No order as to costs. Interim relief, if any, requires to be vacated.

(B.J.SHETHNA,J.)

(M. D. SHAH, J.)

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